IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10927 of 2004

Between:

M/s.Indian Metals & Ferro Alloys Ltd.,A Comp. Incorporated
under the provision of companies Act,1956,
Bhubaneswar-751010, Orissa State.

..... PETITIONER

AND

1 The Commissioner of Proh & Excise, A.P.Hyderabad.
2 The Proh & Excise Suptd., Vizianagaram Dist.
3 NCS Sugars Ltd., Latchayyapeta-535573, Seethanagaram Mandal
(Via)
Bobbili, Vizianagaram Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of Mandamus, declaring that the Respondents have not jurisdiction to cause any restriction on the transport of Molasses by the petitioner from Andhra Pradesh state to any other place in the other states in India as such restriction is illegal and without jurisdiction apart from being violative of Article 19 (1) (g) of the Constitution of India.

Counsel for the Petitioner:MR.E.MARUTHI RAJA

Counsel for the Respondents 1 and 2:The Government Pleader for PROHIBITION & EXCISE

Counsel for the Respondent No.3: None appeared.

The Court at the admission stage made the following Order:

This writ petition is filed by the petitioner seeking Writ of Mandamus declaring that the respondents 1 and 2 have no jurisdiction to restrict the transport of molasses from the State of Andhra Pradesh to any other place in the State as well as outside the State.

This issue has been considered by this Court in the case of **M/s.GAURI INDUSTRIES (MANUFACTURERS OF RECTIFIED SPIRIT) v. COMMISSIONER OF PROHIBITION AND EXCISE, ANDHRA PRADESH** (W.P.NO.8136 of 2004) and this Court passed the following order:

> "It is a fact that the possession as well as transportation of Molasses was being controlled by the Molasses Control Order, issued by the Central Government. But, however, the said Control order was rescinded by the Central Government as early as in 1993. Thereafter, there were no provisions either in the A.P. Excise Act or under any Rules framed by the State Government and this fact was clarified by a Division Bench of this Court in Writ Appeal No.2209 of 1998 dated 08-05-2001.
>
> The restriction of transportation of molasses is only if it is intended for utilization of illicit distillation and on such occasions only the respondent authority can take action. But, however, if any individual is transporting the Molasses under a valid purchase bills to the destination of the purchaser, the respondents authority have no right to interfere with such transportation.

Therefore, the writ petition is disposed of clarifying the position that the respondents have no right to insist the petitioner for any permission or for obtaining NOC for transport of Molasses from the Sugar Factories to any other specified destination for being used by the purchaser".

Following the above judgment, this writ petition is disposed of with the same directions.

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(S.ANANDA REDDY, J)

30th JUNE, 2004.

Note: furnish c.c. in three days.

B/o

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To

1 The Commissioner of Proh & Excise, A.P.Hyderabad.
2 The Proh & Excise Suptd., Vizianagaram Dist.
3 Two CCs to the Government Pleader for Proh. & Excise, High Court Buildings, A.P., Hyderabad(OUT).
4 Two CD copies.